

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 11/01/08	NUMBER 06.05.100
SUBJECT PAROLE GUIDELINES		SUPERSEDES 06.05.100 (03/08/07)	
		AUTHORITY MCL 791.203; 791.233e; 791.235; Administrative Rule 791.7715; 791.7716	
		ACA STANDARDS 2-1006; 2-1060; 2-1063	
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POLICY STATEMENT:

The Parole Board shall use parole guidelines to assist in the parole decision-making process.

RELATED POLICY:

06.05.104 Parole Process

POLICY:

GENERAL INFORMATION

- A. The Parole Board shall use parole guidelines developed in accordance with Administrative Rule 791.7716 to assist in determining whether prisoners shall be paroled. In conjunction with the Office of Research and Planning (ORP) in the Planning and Community Development Administration, the Parole Board shall establish parole guideline score ranges to indicate low, average, or high probabilities of parole. Attachment A sets forth the established parole guideline score ranges and explains how the parole guideline scores were calculated. The Parole Board chair shall ensure that the Automated Data Systems Section, ORP, is notified whenever a change must be made to parole guideline programming.
- B. A parole guideline score in the high probability of parole range does not create a right for the prisoner to be paroled, nor does a parole guideline score in the low probability of parole range prohibit the parole board from granting parole.

CALCULATION OF PAROLE GUIDELINE SCORES

- C. Except if the offender is serving for or awaiting sentencing on a conviction with a mandatory life sentence, a Field Operations Administration (FOA) field agent shall complete a Parole Guidelines Data Entry form (CFJ-123) on the Department's computerized database whenever an offender receives an indeterminate sentence to be served with the Department either as an original disposition or for probation violation. The form shall be completed prior to sentencing whenever the agent is recommending that the offender receive a sentence to be served with the Department; the form shall be completed immediately after sentencing in all other cases, including when an offender receives a sentence to be served with the Department due to a violation of probation. One form shall be prepared for each court docket number; however, it shall contain information about all offenses for which the offender was convicted under that docket number. When an offender is received at a reception facility, facility staff shall check the Department's computerized database and notify the FOA field agent or appropriate FOA supervisor if the completed form is not available.
- D. Whenever a Parole Eligibility Report (PER) is prepared pursuant to PD 06.05.103 "Parole Eligibility/Lifer Review Reports", the Case Preparation Unit in the Office of the Parole Board shall review the report and other relevant information in the prisoner's Central Office file and enter into the Department's computerized database the information that is required to calculate the prisoner's parole guideline score. A printed Parole Guideline Scoresheet (PP-151) shall be generated after each calculation and placed in the prisoner's Central Office file. A copy of the Parole Guideline Scoresheet shall be provided to the prisoner.

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PAROLE DECISION

- E. The Parole Board or a panel of its members, as appropriate, shall review a prisoner's parole guideline score when considering the prisoner for parole. The Parole Board may deny parole without an interview if the prisoner's parole guideline score indicates a low probability of parole. The Parole Board may grant parole without an interview if the prisoner's parole guideline score indicates a high probability of parole, except that a prisoner who is serving for a sex offense or an offense involving the death of a victim shall not be paroled without an interview. Prisoners whose parole guideline scores indicate an average probability of parole shall be interviewed prior to granting or denying parole.
- F. After an interview, the Parole Board may depart from the parole guideline score range by denying parole to a prisoner who has a high probability of parole or by granting parole to a prisoner who has a low probability of parole. The departure must be for substantial and compelling reasons which shall be stated in writing. The Parole Board shall not use a prisoner's gender, race, ethnicity, alienage, national origin, or religion as a basis for the departure.

GRIEVANCE PROCEDURE

- G. Decisions by the Parole Board, including the scoring weights and ranges utilized in developing parole guideline scores, are not grievable. However, a prisoner may challenge the calculation of his/her parole guideline score, including the accuracy of the information used in calculating the score, by filing a grievance pursuant to PD 03.02.130 "Prisoner/Parolee Grievances".
- H. Whenever it is determined that an error was made in calculating a prisoner's parole guideline score, the score shall be recalculated by the Case Preparation Unit. If the prisoner was considered for parole based on the incorrect score, the Parole Board shall reconsider the case.

PROCEDURES

- I. The FOA Deputy Director shall ensure that operating procedures are developed as necessary to implement requirements set forth in this policy directive. Operating procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing operating procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. FOA procedures shall not conflict with procedures issued by the Director.

AUDIT ELEMENTS

- J. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist FOA Regional Administrators, the Administrator of the Office of Parole and Probation Services, the Administrator of the Office of the Parole Board, and the Parole Board Chairperson with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

ATTACHMENTS

- K. This policy includes the following attachment:

1. Attachment A - Parole Guidelines

APPROVED: PLC 10/07/08

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ATTACHMENT A

PAROLE GUIDELINES

This Attachment sets forth the parole guideline ranges as determined by the Parole Board and explains how parole guidelines are calculated.

The parole guideline score sheet is separated into eight sections:

1. Active Sentence Section
2. Prior Criminal Record Section
3. Conduct Section
4. Statistical Risk Section
5. Age Section
6. Program Performance Section
7. Mental Health Section
8. Housing Section

The points for each of these sections are totaled independently. The score for each section is calculated using that section's grid(s). The cumulative score from each section is found at the end of the score sheet. Each section's score, when totaled, becomes the preliminary parole guidelines score. There is an adjustment made to some prisoner's score based on the security level at which the prisoner is housed, his/her management points, conduct variable points, prior criminal record points, and whether the prisoner is 45 years of age or older. These adjustments are discussed in greater detail later in this attachment. After any adjustment, the prisoner receives a final parole guidelines score. If no adjustments are made to the preliminary parole guidelines score, the prisoner's preliminary and final parole guideline score will be the same. A prisoner's probability of parole range is determined by the final parole guidelines score.

TERM

Scores from the grid for some sections of the guidelines are based, in part, upon the determination of the "term" of the prisoner. The "term" is the amount of time served from the commitment date to the consideration date, less any time lost while on parole, escape, appeal bond, etc. Prisoners are designated as follows:

Short Term (S)	Will have served less than 3 years at consideration date
Medium Term (M)	Will have served between 3 and 7 years at consideration date
Long Term (L)	Will have served more than 7 years at consideration date

ACTIVE SENTENCE SECTION

If any of the following aggravating sentence variables are identified in the "Investigator's Description of the Offense" section of the presentence investigation report for any active sentence, the prisoner will receive at least -1 point. Additional negative points are incurred for death or serious injury as follows:

- | | | |
|-----|--|----|
| 1. | Weapon or threat of weapon | -1 |
| 2. | Force/Injury (death) | -3 |
| | (serious injury) | -2 |
| | (any other use or threat of force or injury) | -1 |
| 3. | Property loss or damage exceeds \$5,000, excluding joyriding | -1 |
| 4. | Violence or cruelty beyond that necessary to commit the crime | -1 |
| 5. | Sexual offense or sexually assaultive behavior | -1 |
| 6. | Victim transported or held captive beyond that necessary to commit crime | -1 |
| 7. | More than two victims threatened or involved | -1 |
| 8. | Victim unusually vulnerable | -1 |
| 9. | Leader in a multiple offender situation | -1 |
| 10. | Designated by the Department as a career criminal | -1 |

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PAROLE GUIDELINES

- | | | |
|-----|---|----|
| 11. | Designated by the Department as a drug trafficker | -1 |
| 12. | Designated by the Department as involved in organized crime | -1 |

If any of the following mitigating sentence variables are present in the pre-sentence investigation report for any active sentence, the prisoner will receive positive points as follows:

- | | | |
|----|---|----|
| 1. | Situational crime unlikely to reoccur (not to be awarded if <u>any</u> preplanning) | +2 |
| 2. | Minor role in a multiple offender situation | +1 |

The points for the aggravating sentence variables are added to the mitigating sentence variables to determine the total aggravating and mitigating points. These points are reviewed against the following active sentence grid to determine the active sentence subtotal.

ACTIVE SENTENCE GRID

TOTAL AGGRAVATING AND MITIGATING POINTS	SHORT TERM	MEDIUM TERM	LONG TERM
+3	+3	+3	+2
+2	+2	+2	+2
+1	+1	+1	+1
0	0	0	0
-1	-1	-1	0
-2	-1	-1	-1
-3, -4	-2	-2	-1
-5	-2	-2	-2
-6, -7, -8	-3	-3	-2
-9 or more	-4	-3	-2

ATTACHMENT A - continued

PAROLE GUIDELINES

PRIOR CRIMINAL RECORD SECTION

If any of the following variables are present, the prisoner will incur points as set forth below:

	<u>Points</u>
1. Number of assaultive misdemeanors committed after 17 th birthday:	
0 to 1	0
2 or more	1
2. Number of jail sentences served:	
0 to 1	0
2 to 3	1
4 or more	2
3. Number of prior felony convictions:	
0	0
1	1
2	2
3 or more	3
4. Number of prior assaultive felony convictions:	
0	0
1	1
2	2
3 or more	3
5. Number of prior prison terms served in Michigan or other jurisdictions (consider the number of prior prefixes, not the number or sentences):	
0	0
1	2
2 or more	3
6. Number of probation, delayed sentence or parole failures:	
0	0
1 or more	1
7. On probation, parole, or delayed sentence at the time of current offense, or sentenced because of a probation violation:	
No	0
Yes	1
8. Number of juvenile commitments for non-status offense(s):	
0	0
1 or more	1
9. Received juvenile probation for non-status offense(s):	
Assaultive offense	2
Non-assaultive offense	1
No juvenile probation	0

ATTACHMENT A - continued

PAROLE GUIDELINES

PRIOR CRIMINAL RECORD GRID

TOTAL PRIOR CRIMINAL RECORD POINTS	SHORT TERM	MEDIUM TERM	LONG TERM
0	+5	+3	+1
1	+4	+2	+1
2	+2	+1	+1
3	0	0	0
4	-1	0	0
5	-2	-1	-1
6	-3	-1	-1
7,8	-4	-2	-1
9,10	-5	-2	-1
11 or more	-5	-3	-1

The total prior criminal record points are added together and then reviewed against the Criminal Record Grid. The number found in the Criminal Record Grid is the Prior Criminal Record Score.

INSTITUTIONAL CONDUCT SECTION

The following conduct variables are considered, and points assigned, in raw numbers:

1. Number of major misconducts incurred in the last five years.
2. Number of major misconducts incurred in the last one year.
3. Number of non-bond major misconducts incurred in last five years.
4. Number of assault, sexual assault, riot or homicide major misconducts incurred in last five years.
5. Number of security classification increases in the last five years.
6. Number of security classification increased in the last one year.

The numbers of major misconducts (items 1, 2, 3, and 4 above) are calculated based upon the number of major misconduct guilty findings for each individual charge on each misconduct. For example, if a prisoner is found guilty of two or more charges on one misconduct, s/he is assigned points for each charge.

The time used in each of the above is calculated based on Department incarceration time. Not included is any period of time the prisoner spent while on parole, escape, incarcerated in a county jail, or in another jurisdiction.

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PAROLE GUIDELINES

The total conduct points are calculated by adding together the conduct variable points. The total conduct points are reviewed against the Institutional Conduct Grid as follows:

INSTITUTIONAL CONDUCT GRID

TOTAL CONDUCT POINTS	SHORT TERM	MEDIUM TERM	LONG TERM
0	+3	+5	+8
1	+2	+4	+6
2	+1	+3	+4
3	0	+1	+2
4	0	0	0
5	-1	0	0
6	-1	-1	-2
7	-2	-1	-2
8	-2	-3	-4
9	-3	-3	-4
10,11,12	-3	-4	-6
13 or more	-3	-5	-8

The number found in the Institutional Conduct Grid is the Conduct Score.

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PAROLE GUIDELINES

STATISTICAL RISK SECTION

The prisoner's statistical risk variables (i.e., assault risk; property risk) are reviewed against one of the following statistical risk grids, depending on the term of the prisoner:

SHORT TERM STATISTICAL RISK GRID

	HIGH PROPERTY RISK	MIDDLE PROPERTY RISK	LOW PROPERTY RISK
Very High Assaultive Risk	-9	-7	NA
High Assaultive Risk	-7	-5	-4
Middle Assaultive Risk	-4	0	+4
Low Assaultive Risk	+4	+5	+8
Very Low Assaultive Risk	+6	+7	+9

MEDIUM TERM STATISTICAL RISK GRID

	HIGH PROPERTY RISK	MIDDLE PROPERTY RISK	LOW PROPERTY RISK
Very High Assaultive Risk	-7	-6	NA
High Assaultive Risk	-5	-4	-3
Middle Assaultive Risk	-2	0	+2
Low Assaultive Risk	NA	+4	+5
Very Low Assaultive Risk	NA	+6	+7

LONG TERM STATISTICAL RISK GRID

	HIGH PROPERTY RISK	MIDDLE PROPERTY RISK	LOW PROPERTY RISK
Very High Assaultive Risk	-3	-3	NA
High Assaultive Risk	-2	-2	-1
Middle Assaultive Risk	-1	0	+1
Low Assaultive Risk	NA	+2	+2
Very Low Assaultive Risk	NA	+3	+3

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PAROLE GUIDELINES

Comparing the prisoner's assault risk/property risk against the appropriate statistical risk grid will determine the prisoner's Statistical Risk Score.

AGE SECTION

The prisoner's age is reviewed against one of the following age grids, depending upon the term of the prisoner:

SHORT TERM AGE GRID

AGE	AGE SCORE
15-100	0

MEDIUM TERM AGE GRID

AGE	AGE SCORE
23 and under	-2
24 through 27	-1
28 through 30	0
31 through 40	+1
over 40	+2

LONG TERM AGE GRID

AGE	AGE SCORE
22 and under	-4
23 and 24	-3
25 through 27	-1
28 through 30	0
31 through 35	+1
36 through 40	+2
41 through 50	+3

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PAROLE GUIDELINES

The appropriate Age Grid determines the prisoner's Age Score.

PROGRAMMING SECTION

The prisoner's completion of recommended and approved programming is reviewed to determine the program performance points in the following Program Performance Grid. An "adequate" is a recommended program that was satisfactorily completed by the prisoner. An "inadequate" is a recommended program that was not satisfactorily completed by the prisoner.

PROGRAM PERFORMANCE GRID

	RECOMMENDED AND APPROVED PROGRAMS ADEQUATELY COMPLETED	SHORT TERM	MEDIUM TERM	LONG TERM
A	At least one adequate; no inadequates	+1	+2	+2
B	More adequates than inadequates	+1	+1	+1
C	Adequates equal inadequates	0	0	0
D	More inadequates than adequates	-1	-1	-2
E	At least one inadequate; no adequates	-1	-2	-2

The program performance points are to be adjusted as follows if either of the following variables are present:

1. Add one point (+1) if there were no inadequates and at least two-thirds of the programs were rated as excellent/outstanding. This can only be awarded if this is indicated in the PER.
2. Subtract one point (-1) if the prisoner refused to complete or participate in a recommended program.

The total program performance points, including any adjustments, are the prisoner's Programming Score.

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PAROLE GUIDELINES

MENTAL HEALTH SECTION

The prisoner's Mental Health Score is determined as set forth in the Mental Health Grid.

MENTAL HEALTH GRID

Condition	Mental Health Score
A Guilty but Mentally Ill conviction	-5
A history of physical or sexual assault related to a compulsive, deviant, or psychotic mental state, including serving for CSC offense or offense involving sexually assaultive behavior	-5
A condition above exists, but the Parole Board has determined that therapy reports indicate that significant improvement has occurred	-4

HOUSING SECTION

Prisoners housing score is determined as set forth in the Housing Score Grid.

HOUSING SCORE GRID

Condition	Housing Score
Housed in Level V with Level V management points	-20
<u>Not</u> housed in Level V with Level V management points	0

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PAROLE GUIDELINES

PRELIMINARY PAROLE GUIDELINES SCORE

The score (plus or minus) for each of the above sections is computed into a grand total, called the Preliminary Parole Guidelines Score.

ACTIVE SENTENCE SCORE	
PRIOR CRIMINAL RECORD SCORE	
CONDUCT SCORE	
STATISTICAL RISK SCORE	
AGE SCORE	
PROGRAM PERFORMANCE SCORE	
MENTAL HEALTH SCORE	
HOUSING SCORE	
<i>PRELIMINARY PAROLE GUIDELINES SCORE:</i>	<i>TOTAL</i>

FINAL PAROLE GUIDELINES SCORE

For prisoners having a Preliminary Parole Guidelines Score of -13 or lower, there will be no adjustment. In these cases, the Preliminary Parole Guidelines Score and the Final Parole Guidelines Score are the same.

Prisoners having a Preliminary Parole Guidelines Score of -12 through +03 will have their score adjusted to +04 as a Final Parole Guidelines Score if all of the following conditions exist:

1. Prior criminal record points are 06 or less;
2. Not serving an active CSC sentence;
3. Conduct variable points are 0 or the prisoner is 45 years of age or older.

Prisoners having a Preliminary Parole Guidelines Score of +04 or greater will have their score adjusted to +03 as their Final Parole Guidelines Score if their prior criminal record points are greater than 06. Note that this adjustment no longer removes the prisoner from the "High Probability of Parole" range.

The Final Parole Guidelines Score is compared against the Probability of Parole Range Grid to determine the prisoner's probability of parole range.

PROBABILITY OF PAROLE RANGE GRID

Final parole guidelines score is +03 or greater.	High Probability of Parole
Final parole guidelines score is +02 or less, but greater than -13.	Average Probability of Parole
Final parole guidelines score is -13 or less.	Low Probability of Parole